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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Home Department

Notification

HD-25-134/67-A

In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (4 of 1939) and all other powers hereunto enabling, the Government of the Union Territory of Goa, Daman and Diu hereby makes the following rules, the same having been previously published as required by sub section (1) of section 133 of the said Act, namely:—

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Tourist Vehicles Rules, 1967.

(2) They shall come into force on 1/3/1967.

2. Definitions. — In these rules, unless the context otherwise requires, —

(a) "permit" means a permit issued under section 51 of the Motor Vehicles Act, 1939;

(b) "Schedule" means a schedule annexed to these rules;

(c) "State" includes a Union Territory;

(d) "Tourist motor cab" means a motor cab or the permit relating to which an endorsement is made by the State Transport Authority of the State in which such permit is granted, to the effect that it is a tourist omnibus;

(e) "Tourist omnibus" means an omnibus on the permit relating to which an endorsement is made, by the State Transport Authority of the State in which such permit is granted, to the effect that it is a tourist omnibus;

(f) "Tourist Vehicle" means a tourist motor cab or a tourist omnibus.

3. Endorsement on permits of vehicles. — (1) The State Transport Authority may in accordance with

the provisions of this rule, make an endorsement on any permit granted in the State in relation to any motor cab or omnibus to the effect that the vehicle to which the permit relates is an All India tourist vehicle:

provided that at no time the total number of

- (i) motor cabs in respect of which such endorsements are in force shall exceed fifty; and
- (ii) omnibuses in respect of which such endorsements are in force shall exceed ten.

(2) Any person who holds a permit issued in the State in relation to a motor cab or an omnibus may apply in the form specified in Schedule I, to the State Transport Authority for an endorsement on the permit to the effect that the vehicle to which the permit relates is a tourist vehicle.

(3) An application under sub-rule (2) shall be accompanied by a fee of Rs. 100/- and shall be made not less than six weeks before the date on which it is desired that the endorsement shall take effect or, if the State Transport Authority appoints a date for the receipt of such date.

(4) On receipt of an application under sub-rule (2), the State Transport Authority shall make the application available for inspection at the office of that Authority and shall publish the application or the substance thereof in the Official Gazette together with a notice of the date before which representations in connection therewith may be submitted by —

- (i) any person who holds a permit on which an endorsement has been made under this rule;
- (ii) any local or police authority in the State within a period of not less than thirty days from the date of such publication, on or after which any application or any representation received will be considered.

Provided that, if the making of any endorsement in accordance with the application would have the effect of increasing the number of vehicle bearing such endorsements beyond the limits issued in that behalf under the proviso to sub-rule (1) or if the vehicle in respect of which the application is made is registered more than one year before the date

of the application, the State Transport Authority shall summarily reject the application without following the procedure laid down in this rule.

(5) No representation in connection with an application referred to in sub-rule (4) shall be considered by the State Transport Authority unless it is made in writing before the appointed date and unless a copy thereof is furnished simultaneously to the applicant by the person making such representation.

(6) The State Transport Authority shall, having regard to the provisions of sub-rule (7) and the representations, if any, made under rule (4) in relation to an application, consider the application and may either make the endorsement or refuse, for reasons to be recorded in writing, to make the endorsement.

(7) In making or refusing to make an endorsement the State Transport Authority shall have regard among other things to the suitability of the vehicle for tourist purposes and the interests of the public generally.

(8) Any person aggrieved by the order of the State Transport Authority refusing to make an endorsement under sub-rule (6) may prefer an appeal, in the form of a memorandum signed by the appellant, to the State Government, within 20 days from the date of pronouncement of such order. The memorandum shall be accompanied by a certified copy of the order appealed from. The decision of the State Government on an appeal under this sub-section shall be final.

4. **Validity of endorsement and cancellation or suspension of endorsement.** — (1) An endorsement made on a permit under rule 3 shall cease to be valid on the expiry of the period for which the permit has been granted.

(2) If the State Transport Authority has reason to believe that a vehicle on the permit relating to which an endorsement has been made by it under rule 3 —

(a) has been, or is being, used in contravention of the provisions of rules 6, 7 and 8;

(b) being an omnibus, fails to comply with the requirements of sub-rules (3) and (4) of rule 9 or has been, or is being, used in contravention of the provisions of sub-rules (1) and (2) of that rule that authority may, after giving the holder of the permit an opportunity to be heard, either suspend the endorsement for such permit as it may think fit or cancel the endorsement.

(3) Any person aggrieved by the order of the State Transport Authority under sub-rule (2) may prefer an appeal, in the form of a memorandum signed by the appellant, to the State Government within twenty days from the date of pronouncement of such order. The memorandum shall be accompanied by a certified copy of the order appealed from. The decision of the State Government on such appeal shall be final.

5. **Information of endorsements to be sent to other State Transport Authorities.** — (1) Where an endorsement is made by the State Transport Authority under rule 3, that authority shall forward to each of the State Transport Authorities in the other States information relating to the endorsement and the vehicles to which the endorsement relates in the form specified in Schedule II.

(2) Where an endorsement is suspended or cancelled by the State Transport Authority under sub-rule (2) of rule 4, that authority shall forward to each of the State Transport Authorities in the other States —

(i) information relating to the suspension or cancellation in the form specified in schedule III; and

(ii) where an appeal has been preferred against such suspension or cancellation, a copy of the decision in such appeal.

(3) The State Transport Authority shall also forward, at intervals of three months, a statement in the form specified in Schedule IV giving classified information in regard to the endorsements made by that Authority under rule 3 which are valid on the date of the statement.

6. **Tourist vehicles not to be used for carriage within the State.** — No Tourist vehicle shall be used for any carriage for hire or reward in which, according to the contract made by the parties, the place of departure and the place of destination are both situated within the State.

7. **Special rules for drivers and conductors of tourist vehicles.** — (1) The driver of a tourist vehicle shall —

(a) wear a khaki or a white uniform consisting of long trousers and a bush shirt or coat having two pockets, with the letter 'T' sewn on the left hand pocket of the bush shirt or coat;

(b) possess at least an elementary knowledge of the mechanism and maintenance of the vehicle he drives;

(c) have a working knowledge of Hindi and English provided that where the driver is accompanied by a conductor having a working knowledge of either or both the languages, it shall not be necessary for the driver to possess a working knowledge of that language, or, as the case may be, of those languages.

(2) The conductor, if any, of a tourist vehicle shall wear the same uniform as a driver is required to wear under sub-rule (1).

8. **Special rules as to painting and marking of tourist vehicles.** — (1) The body of a tourist omnibus shall be painted in aluminium colour and that of a tourist motor cab in grey colour.

(2) The letter 'T' and the serial number allotted by the authority making the endorsement on the permit relating to the vehicle shall be painted on the front fender and also the rear fender of a tourist vehicle. The letter and numerals required to be painted under this sub-rule shall be painted on a white surface enclosed by a circle drawn in red and shall not be less than two inches in height and one and a half inches in breadth.

(3) No Transport vehicle other than tourist vehicle shall be painted in the manner prescribed in sub-rule (1).

9. (1) Every tourist omnibus shall have a conductor.

(2) No tourist omnibus shall carry more than twenty-four persons excluding the driver and the conductor.

SCHEDULE V

As required by rule 9(3) of the Goa, Daman and Diu Tourist Vehicles Rules, 1967 a tourist vehicle (omnibus) shall be constructed so as to provide for the following:—

1. A gangway having width of 65 c. m. and length of 435 cms.
2. No. of seats shall be 24 excluding driver and the conductor.
3. The size of each seat will be 42.5 cms × 42.5 cms.
4. The head-room or internal height will be 190 cms.
5. The driver's seat will be of the 40 cm × 40 cms, and the driver's cabin shall be separated from the rest of the bus by a sound proof partition to avoid diversion to the driver's attention by the radio.
6. The urinal will cover an area of 1 meter × 1 meter.

Revenue Department

Notification

RD/M/ACT/SO/319/66

In exercise of the powers conferred by sub-section (3) of Section 1 of the Goa, Daman and Diu, Mamlatdar's Court Act 1966, Government is pleased to direct that the said Act shall come into force in the Diu area of the Union Territory of Goa, Daman and Diu, with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

Hardyal Chaudhri, Secretary (Revenue).

Panaji, 23rd February, 1967.

Law and Judiciary Department

Notification

LD/N/9/67

Notification No. F.7/26-UTL-92 dated 21st February, 1967 of the Ministry of Home Affairs, extending the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 to the Union Territory of Goa, Daman and Diu is hereby published for general information.

Kant Desai, Under Secretary.

Panjim, 28th February, 1967.

GOVERNMENT OF INDIA

Ministry of Home Affairs

Notification

New Delhi-11, the 21st February, 1967

G. S. R. — In exercise of the powers conferred by section 6 of the Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962), the Central Government hereby extends the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958) to the Union territory of Goa, Daman and Diu.

[F.7/26/66-UTL-92]

P. N. VASUDEVAN

Deputy Secretary to the Government of India.

Notification

LD/N/5/67

The following rules framed by the Judicial Commissioner of Goa, Daman and Diu are hereby published for general information.

Kant Desai, Under Secretary.

Panaji, 9th February, 1967.

Judicial Commissioner's Court of Goa, Daman and Diu

The Judicial Commissioner, Goa, Daman and Diu, hereby directs that in partial modification of the Rule relating to the transaction of business, published in Government Gazette No. 36, series I, dated 9th December, 1966, the following rule is made:

«Unless the Judicial Commissioner directs otherwise, the Court shall sit on Monday, Tuesday, Wednesday, Thursday, Friday and some Saturdays, except holidays and during Vacation, from 10.30 a. m. to 1 p. m. and from 3 to 5 p. m.»

This rule shall come into force on its publication in the Government Gazette.

V. S. Jetley, Judicial Commissioner.

Panaji, 1st February, 1967.

Notification

LD/N/9/67

The Land Acquisition (Amendment and Validation) Ordinance, 1967 promulgated by the President of India is hereby published for general information.

Kant Desai, Under Secretary.

Panaji, 20th February, 1967.

The Land Acquisition (Amendment and Validation) Ordinance, 1967.

No. 1 of 1967

Promulgated by the President in the Seventeenth Year of the Republic of India

An Ordinance further to amend the Land Acquisition Act, 1894, and to validate certain acquisitions of land under the said Act.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement. — (1) This Ordinance may be called the Land Acquisition (Amendment and Validation) Ordinance, 1967.

(2) It shall come into force at once.

2. Act I of 1894 to be temporarily amended. — During the period of operation of this Ordinance, the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. Amendment of section 5A. — In section 5A of the principal Act, in sub-section (2), for the words «submit the case for the decision of the appropriate Government, together with the record of the proceedings held by him and a report containing his recommendations on the objections», the words, figures and brackets «either make a report in respect of the land which has been notified under section 4, sub-section (1), or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government», shall be substituted.

4. Amendment of section 6. — In section 6 of the principal Act, —

(a) in sub-section (1), —

(i) after the words «certify its orders», the following shall be inserted, namely: —

«and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1), irrespective of whether one report or different reports has or have been made under section 5A, sub-section (2)»;

(ii) for the words «Provided that», the following shall be substituted, namely: —

«Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1), published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, shall be made after the expiry of three years from the date of such publication»;

Provided further that»;

(b) in sub-section (2), for the words «The declaration», the words «Every declaration» shall be substituted.

5. Validation of certain acquisitions. — (1) Notwithstanding any judgment, decree or order of any court to the contrary —

(a) no acquisition of land made or purporting to have been made under the principal Act before the commencement of this Ordinance, and no action taken or thing done (including any order made, agreement entered into, or notification published) in connection with such acquisition shall be deemed to be invalid or ever to have become invalid merely on the ground —

(i) that one or more Collectors have performed the functions of Collector under the principal Act in respect of the land covered by the same notification under sub-section (1) of section 4 of the principal Act; or

(ii) that one or more reports have been made under sub-section (2) of section 5A of the principal Act, whether in respect of the entire land,

or different parcels thereof, covered by the same notification under sub-section (1) of section 4 of the principal Act; or

(iii) that one or more declarations have been made under section 6 of the principal Act in respect of different parcels of the land covered by the same notification under sub-section (1) of section 4 of the principal Act in pursuance of one or more reports under section 5A thereof;

(b) any acquisition in pursuance of any notification published under sub-section (1) of section 4 of the principal Act before the commencement of this Ordinance may be made after such commencement and no such acquisition and no action taken or thing done (including any order made, agreement entered into, or notification published), whether before or after such commencement, in connection with such acquisition shall be deemed to be invalid merely on the grounds referred to in clause (a) or any of them.

(2) Notwithstanding anything contained in clause (b) of sub-section (1), no declaration under section 6 of the principal Act in respect of any land which has been notified before the commencement of this Ordinance, under sub-section (1) of section 4 of the principal Act, shall be made after the expiry of two years from the commencement of this Ordinance.

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Secretary to the Government of India.

ORDER

LD/EST/32-67

- Read: 1. Law Department Entry no. 1164 of the 24th March, 1966 to the Registrar, Judicial Commissioner's Court.
2. 478/A, dated the 24th December, 1966 from the Registrar, Judicial Commissioner's Court.
3. Entry no. 1164/66, dated the 24th March 1966 to the S. S. P.
4. Letter no. PHQ/R/Court-811/66, dated the 22nd January, 1966 S. S. P.

At the present moment no uniform procedure is followed regarding the issue and service of processes by magistrates courts. This sometimes makes for delay and it is difficult to ascertain where delay if any occurs.

2. With a view to avoiding these difficulties, it has been decided in consultation with the Registrar, Judicial Commissioner's Court and the Senior Superintendent of Police that the following procedure should be followed:

1. (a) The register of processes maintained in each police station should be maintained in the form of a ledger «Magistrate-war» i. e., separate sections in the register should be opened for each one of the magistrates courts from which the particular police station ordinarily receives processes.

(b) In each magistrate's court should be maintained a register containing particulars of processes issued to each police station, with the following columns:

Police Station						
Sr. No.	No. of case.	Crime No.	Nature of processes with identifying particulars	Date when issue of process was ordered	Date when sent to police station	Date when received back
1	2	3	4	5	6	7

This register should also be maintained in ledger form, one section being allotted to one specific police station.

(c) Every Inspector of Police in charge of a circle should as often as possible and at least once in two months, take the registers of the police station under him to the concerned magistrate's court, check up the entries with those in the registers and if necessary, the records maintained by the courts, and report to the Senior Superintendent of Police concerned, cases involving serious delay or omissions.

(2) Whenever summonses are meant to be served from a police station situated in the same town in which a magistrate's court concerned is located, the said process including warrants should normally be delivered by the magistrate's court to the court constable attached to the said court. The constable would acknowledge receipt of the process and then take them to his police station for effecting services.

(3) Whenever a police constable attends a court he should, if necessary, be asked to wait till the end of the day and take with him to his police station all the processes ready for issue and intended for service through his station.

(4) In cases of processes intended to be served through a police station other than the one located in the same town as the magistrate's court and from which no constable happens to attend the court, the said processes should be sent by the magistrates' Court by post to the police station concerned for effecting service.

3. The Registrar, Judicial Commissioner's Court, and the Senior Superintendent of Police are requested to issue suitable instructions to subordinate police officers and all magistrates with reference to the above.

4. This system would be reviewed after a year.

By order and in the name of the Administrator of Goa, Daman and Diu.

Kant Desai, Under Secretary.

Panjim, 23rd February, 1967.

Mormugao Port Trust

Notification

MPT/IGA(E.682)-I/67

I. As required under Section 124(1) of the Major Port Trusts Act, 1963, it is hereby notified that the Central Government vide Ministry of Transport's letter No. 7-PE(16)/66 dated 17-1-1967 have accorded approval to the Mormugao Port Employees (Pension and Gratuity) Regulations 1966 published in the Government Gazettes Nos. 13 and 14 (Series I) dated the 30th June, 1966 and the 7th July, 1966, respectively subject to corrections as under:

Corrections:

General Regulations — Section II:

In regulation 6 line 5, for the word "or" between 'guilty' and 'grave' read "of"

Section IV —

In regulation 30(b), line 2, for the word "or" between 'even' and 'a' read "on"

Section VI —

In regulation 47(3), line 7, for the figure "18" read "12"

In regulation 48(10) (v) insert the word "surviving" between the words 'Eldest' and 'widowed'.

Section IX —

In regulation 61(i), line 8, for the word "omitted" between the words 'be' and 'or', read "admitted"

II. These regulations will come into force immediately on the publication of this Notification in the Gazette.

III. The date with reference to Item (iii) of item (b) of Regulation 2 will be the date on which these Regulations come into force.

By order

Shivakumar Dhindaw, Secretary.

Mormugao, 14th February, 1967.